



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,904	05/01/2006	Frank Leonard Kooi	294-250 PCT/US	5425

23869 7590 09/08/2008
HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

EXAMINER

SWARTHOUT, BRENT

ART UNIT	PAPER NUMBER
----------	--------------

2612

MAIL DATE	DELIVERY MODE
-----------	---------------

09/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,904	Applicant(s) KOOI ET AL.	
	Examiner Brent A. Swarthout	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-12, 16-18 and 25 is/are rejected.
- 7) ☒ Claim(s) 6-8 AND 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2612

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,9-12 and 16-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noriyuki (JP 09159480).

Noriyuki discloses a method for indicating direction using a screen wherein a pattern of dark and light sections are moved over a screen in a direction in which an observer is to be directed. Although different portions of the pattern are directed in different directions depending on the desired path of travel, it would have been obvious to one of ordinary skill in the art to have pattern move in a desired direction, since for each subset of pattern in a unitary section the pattern does move in only one direction.

Since Noriyuki teaches shifting bright colors and dark colors, such would have provided dynamic impression of movement since such would have appeared as a flowing light spot moving toward a destination (abstract).

Regarding claim 2, pattern is made up of black and white segments.

Regarding claim 3, segments are small stripes.

Regarding claim 4, Noriyuki teaches use of second image defining scale and secondary roads on a screen.

Regarding claim 5, Noriyuki teaches use of screen in a vehicle route display system. Choosing to have the screen in the peripheral view of a driver would have

been obvious in order to prevent the display from being a distraction from observing events outside of the vehicle.

Regarding claim 9, pattern is directed in direction it is desired for a driver to drive the vehicle.

Regarding claim 10, pattern structure and direction of movement provide desired direction and road curvature information.

Regarding claim 11, Noriyuki teaches use of display with longitudinal edges and shifting colors to match position of route. It would have been obvious to use some kind of computer algorithm which matched the pattern to the displayed route, in order that the route and direction of movement could have been made integral in an efficient manner.

Regarding claim 18, a running guidance guide as disclosed by Noriyuki is a well-known type of vehicle navigation system, and the screen of the navigation system gives the impression of a translating road image moving toward a destination

Regarding claim 25, Noriyuki teaches shifting bright and dark colors over a screen in a direction of desired movement to provide the impression of a moving image as described above with regard to claim 1. First translating image is shown by components of RL and second image is depicted by arrow P showing direction of routing.

2. Claims 6-8 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 19-24 are allowed.

4. Regarding remarks filed with the response on 6-10-08, on page 8 of the response it is stated that claims require rotation or translation impression. However, the shifting bright and dark segments of the road RL in Noriyuki would have given the impression of translating segments since they segments seem to flow toward a destination point (abstract).

On page 9 it is stated that translation takes place over substantially the full width of the screen. However, claim language actually only states translation over a substantial width of the screen, and such is clearly shown in the Figure accompanying the abstract in Noriyuki, the upper part of road RL translating over approximately 80-90% of the screen.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2612

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-Th from 6:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brent A Swarthout/
Primary Examiner, Art Unit 2612

Brent A Swarthout
Primary Examiner
Art Unit 2612